

PUBLIC SAFETY OFFICER SUPPORT ACT OF 2022

MAY 18, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 6943]

The Committee on the Judiciary, to whom was referred the bill (H.R. 6943) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize public safety officer death benefits to officers suffering from post-traumatic stress disorder or acute stress disorder, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Safety Officer Support Act of 2022”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Every day, public safety officers, including police officers, firefighters, emergency medical technicians, and others, work to maintain the safety, health, and well-being of the communities they serve.

(2) This means public safety officers are routinely called to respond to stressful and potentially traumatic situations, often putting their own lives in danger.

(3) This work not only puts public safety officers at-risk for experiencing harm, serious injury, and cumulative and acute trauma, but also places them at up to 25.6 times higher risk for developing post-traumatic stress disorder when compared to individuals without such experiences.

(4) Psychological evidence indicates that law enforcement officers experience significant job-related stressors and exposures that may confer increased risk for mental health morbidities (such as post-traumatic stress disorder and suicidal thoughts, ideation, intents, and behaviors) and hastened mortality.

(5) Public safety officers often do not have the resources or support they need, leaving them at higher risk for long-term mental health consequences.

(6) Whereas, although the Department of Defense already considers service-member suicides to be line-of-duty deaths and provides Federal support to eligible surviving families, the Federal Government does not recognize public safety officer suicides as deaths in the line of duty.

(7) In 2017, the Department of Justice approved 481 claims under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281 et seq.), but not one of them for the more than 240 public safety officers who died by suicide that year.

(8) Public safety officers who have died or are disabled as a result of suicide or post-traumatic stress disorder do not qualify for the Public Safety Officers' Benefits Program, despite the fact that public safety officers are more likely to die by suicide than from any other line-of-duty cause of death.

SEC. 3. PUBLIC SAFETY OFFICER DEATH BENEFITS FOR POST-TRAUMATIC STRESS DISORDER AND ACUTE STRESS DISORDER.

(a) IN GENERAL.—Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281) is amended by adding at the end the following:

“(o) POST-TRAUMATIC STRESS DISORDER AND ACUTE STRESS DISORDER.—

“(1) DEFINITIONS.—In this section:

“(A) MASS CASUALTY EVENT.—The term ‘mass casualty event’ means an incident resulting in casualties to not fewer than 3 victims, including—

“(i) an incident that exceeds the normal resources for emergency response available in the jurisdiction where the incident takes place; and

“(ii) an incident that results in a sudden temporal surge of injured individuals necessitating emergency services.

“(B) MASS FATALITY EVENT.—The term ‘mass fatality event’ means an incident resulting in the fatalities of not fewer than 3 individuals at 1 or more locations close to one another with a common cause.

“(C) MASS SHOOTING.—The term ‘mass shooting’ means a multiple homicide incident in which not fewer than 3 victims are killed—

“(i) with a firearm;

“(ii) within 1 event; and

“(iii) in 1 or more locations in close proximity.

“(D) EXPOSED.—The term ‘exposed’ includes—

“(i) directly experiencing or witnessing an event; or

“(ii) being subjected, in an intense way, to aversive consequences of the event (including a public safety officer collecting human remains).

“(E) TRAUMATIC EVENT.—The term ‘traumatic event’ means, in the case of a public safety officer exposed to an event, an event that is—

“(i) a homicide, suicide, or the violent or gruesome death of another individual (including such a death resulting from a mass casualty event, mass fatality event, or mass shooting);

“(ii) a harrowing circumstance posing an extraordinary and significant danger or threat to the life of or of serious bodily harm to any individual (including such a circumstance as a mass casualty event, mass fatality event, or mass shooting); or

“(iii) an act of criminal sexual violence committed against any individual.

“(2) PERSONAL INJURY SUSTAINED IN LINE OF DUTY.—As determined by the Bureau—

“(A) post-traumatic stress disorder, acute stress disorder, or trauma and stress related disorders suffered by a public safety officer and diagnosed by a licensed medical or mental health professional, shall be presumed to con-

stitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer, if the officer was exposed, while on duty, to one or more traumatic events and such exposure was a substantial factor in the disorder;

“(B) post-traumatic stress disorder, acute stress disorder, or trauma and stress related disorders, suffered by a public safety officer who has contacted or attempted to contact the employee assistance program of the agency or entity that the officer serves, a licensed medical or mental health professional, suicide prevention services, or another mental health assistance service in order to receive help, treatment, or diagnosis for post-traumatic stress disorder or acute stress disorder, shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer, if the officer, was exposed, while on duty, to one or more traumatic events and such exposure was a substantial factor in the disorder; and

“(C) post-traumatic stress disorder, acute stress disorder, or trauma and stress related disorders, suffered by a public safety officer who was exposed, while on duty, to one or more traumatic events shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer if such exposure was a substantial factor in the disorder.

“(3) PRESUMPTION OF DEATH OR TOTAL DISABILITY.—A public safety officer shall be presumed to have died or become permanently and totally disabled (within the meaning of subsection (a) or (b)) as the direct and proximate result of a personal injury sustained in the line of duty, if (as determined by the Bureau) the officer either—

“(A) took an action, which action was intended to bring about the officer’s death and directly and proximately resulted in such officer’s death or permanent and total disability and exposure to one or more traumatic events was a substantial factor in the action taken by the officer; or

“(B) took an action within 45 days of the end of exposure to a traumatic event, which action was intended to bring about the officer’s death and directly and proximately resulted in such officer’s death or permanent and total disability, if such action was not inconsistent with a psychiatric disorder.

“(4) APPLICABILITY OF LIMITATIONS ON BENEFITS.—

“(A) INTENTIONAL ACTIONS.—Section 1202(a)(1) shall not apply to any claim for a benefit under this part that is payable in accordance with this subsection.

“(B) SUBSTANCE USE.—Section 1202(a)(2) shall not preclude the payment of a benefit under this part if the benefit is otherwise payable in accordance with this subsection.”.

(b) RETROACTIVE APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed (consistent with pre-existing effective dates) or accruing after that date.

(2) EXCEPTIONS.—The amendments made by this section shall apply to any action taken by a public safety officer described in paragraph (3) of section 1201(o) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as added by this Act) that occurred on or after January 1, 2019.

SEC. 4. TECHNICAL FIXES.

(a) SUBPOENA POWER; EMPLOYMENT OF HEARING OFFICERS; AUTHORITY TO HOLD HEARINGS.—Section 806 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by—

(1) striking “by the Attorney General”;

(2) inserting “Assistant” before “Attorney” everywhere it appears;

(3) striking “Code)” and inserting “Code (without regard to the days limitation prescribed therein), but shall, in no event, be understood to be (or to have the authority of) officers of the United States”;

(4) striking “necessary to carry out” and inserting “necessary or convenient to assist them in carrying out”;

(5) striking “or any” and inserting “, or (subject to such limitations as the appointing authority may, in its sole discretion, impose from time to time) any”;

(6) inserting a comma after “thereby”;

(7) striking “duties under this title” and inserting “duties under any law administered by or under the Office”;

(8) striking “such hearing examiners” the second place it appears; and

(9) striking “examinations and” and inserting “examinations, and”.

(b) DEFINITIONS.—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in paragraph (11), by striking “; and” and inserting “;”;

(2) in paragraph (12)(B), by striking “basis.” and inserting “basis;”;

(3) in paragraph (14), by redesignating the second subparagraph (F) as subparagraph (G).

SEC. 5. GAO REPORT.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that details benefits issued pursuant to subsection (o) of section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281), as added by section 3, and includes any recommendations to improve that subsection.

Purpose and Summary

H.R. 6943, the “Public Safety Officer Support Act of 2022,” expands the eligibility of certain officers or their surviving family for death and disability benefits as provided for by the Public Safety Officers’ Benefits (PSOB) program to include coverage for public safety officers who die by suicide or are disabled as a result of traumatic experiences.

Background and Need for the Legislation

The work of public safety officers, including firefighters, police, officers, and emergency medical technicians, often exposes them to traumatic events and places them at an increased risk for developing post-traumatic stress disorder (PTSD).¹ On average, police officers witness 188 traumatic events during their careers.² This exposure to trauma can lead to several forms of mental illness. It is estimated that approximately fifteen percent of law enforcement officers in the United States experience PTSD symptoms. PTSD and depression rates among firefighters and police officers have been found to be as much as five times higher than the rates within the civilian population.³ The organization Badge of Life, which collects data on the mental health of police officers, found that an average of 130 law enforcement officers die by suicide every year, or eleven per month.⁴ Surprisingly, more officers die by suicide than die of shootings and traffic accidents combined.⁵

The PSOB program provides benefits to the survivors of law enforcement officers, firefighters, and other first responders whose death (or catastrophic injury) was the direct and proximate result of a physical injury sustained in the line of duty.⁶ The benefits include death benefits, disability benefits, and education benefits for eligible spouses and children of public safety officers. Since 2013, the Bureau of Justice Assistance, which administers the PSOB pro-

¹Dr. John Violanti. *PTSD among Police Officers: Impact on Critical Decision Making*, May 2018, <https://cops.usdoj.gov/html/dispatch/05-2018/PTSD.html>.

²Ruderman White Paper on Mental Health and Suicide of First Responders, https://rudermanfoundation.org/white_papers/police-officers-and-firefighters-are-more-likely-to-die-by-suicide-than-in-line-of-duty/.

³*Id.*

⁴Andy O’hara, *It’s Time We Talk About Police Suicide*, The Marshall Project, October, 3, 2017, <https://www.themarshallproject.org/2017/10/03/it-s-time-we-talk-about-police-suicide>.

⁵*Id.*

⁶Bureau of Justice Assistance, Public Safety Officers Benefit Program, Fact Sheet, August 2020, https://psob.bja.ojp.gov/PSOB_FactSheet2019.pdf.

gram, has approved more than 1,700 death and disability claims and provided more than \$300 million to eligible officers and their families.⁷

In 2017, the Department of Justice approved 481 PSOB claims, but not a single claim for the over 240 public safety officers who died by suicide.⁸ Despite being more likely to die by suicide than in the line of duty, officers who have died or are permanently disabled by either suicide attempts, or post-traumatic stress disorder do not qualify for benefits under the PSOB program. This includes the families of the four officers who died by suicide after responding to the attack on the U.S. Capitol building on January 6, 2021.⁹ The exclusion of suicide and mental illness from the PSOB program varies significantly from the policy of the United States military, which now treats 90% of suicides as line-of-duty deaths caused by post-traumatic stress, brain injuries, and other deployment hazards.¹⁰

The Public Safety Officer Support Act would expand the Public Safety Officers' Benefits program to include coverage for public safety officers who die by suicide or are disabled as a result of traumatic experiences. The bill creates an avenue for officers to seek disability benefits for PTSD linked to severe trauma and allows the families of officers who are lost to trauma-linked suicide to apply for death benefits.

Hearings

The Committee on the Judiciary held no hearings on H.R. 6943.

Committee Consideration

On May 11, 2022, the Committee met in open session and ordered the bill, H.R. 6943, favorably reported with an amendment in the nature of a substitute, by a voice vote, a quorum being present.

Committee Votes

No roll call votes occurred during the Committee's consideration of H.R. 6943.

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House rule X, are incorporated in the descriptive portions of this report.

⁷Public Safety Officers' Benefits Program: Improvements Needed to Strengthen Reporting on 9/11-Related Claims, GAO, July 25, 2019, <https://www.gao.gov/products/gao-19-521r>.

⁸Ruderman White Paper on Mental Health and Suicide of First Responders, https://rudermanfoundation.org/white_papers/police-officers-and-firefighters-are-more-likely-to-die-by-suicide-than-in-line-of-duty/.

⁹Jan Wolfe, *Four officers who responded to U.S. Capitol attack have died by suicide*, Reuters, August 2, 2021, <https://www.reuters.com/world/us/officer-who-responded-us-capitol-attack-is-third-die-by-suicide-2021-08-02/>.

¹⁰Shaila Dewan, *Police Officer's Suicide After Jan. 6 Riot Is Ruled a Line-of-Duty Death*, New York Times, March 10, 2022, <https://www.nytimes.com/2022/03/10/us/police-suicide-capitol-riot.html>.

Committee Estimate of Budgetary Effects

Pursuant to clause 3(d)1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

New Budget Authority and Congressional Budget Office Cost Estimate

Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office, a budgetary analysis and a cost estimate of the bill.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 6943 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 6943 will increase public safety and improve law enforcement practices by expanding the eligibility of certain officers or their surviving family for death and disability benefits as provided for by the PSOB program to include coverage for public safety officers who die by suicide or are disabled as a result of traumatic experiences.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 6943 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short title. Section 1 sets forth the short title of the bill as the “Public Safety Officer Support Act of 2022.”

Sec 2. Findings. Section 2 provides findings related to the prevalence of post-traumatic stress disorder among public safety officers and current limits to the PSOB program.

Sec. 3. Public Safety Officer Death Benefits for Post-Traumatic Stress Disorder and Acute Stress Disorder. Section 3 amends the Omnibus Crime Control and Safe Streets Act of 1986 to expand the PSOB program to provide eligibility for benefits to officers with PTSD and family members of officers who died by suicide. It makes the expanded eligibility retroactive and applies to events that occurred after January 1, 2019.

Sec. 4. Technical Fixes. Section 4 includes technical and conforming changes to conform the bill text to the existing PSOB statute.

Sec. 5. GAO Report. Section 5 requires GAO to submit a report to Congress within 1 year detailing the benefits provided by PSOB under this expanded eligibility and any recommendations to improve the program.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

* * * * *

TITLE I—JUSTICE SYSTEM IMPROVEMENT

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PART H—ADMINISTRATIVE PROVISIONS

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SUBPOENA POWER; EMPLOYMENT OF HEARING OFFICERS; AUTHORITY TO HOLD HEARINGS

SEC. 806. The *Assistant Attorney General*, the *Bureau of Justice Assistance*, the *National Institute of Justice*, and the *Bureau of Justice Statistics* may appoint (to be assigned or employed on an interim or as-needed basis) such hearing examiners (who shall, if so designated [by the Attorney General], be understood to be comprised within the meaning of “special government employee” under section 202 of title 18, United States [Code]) *Code (without regard to the days limitation prescribed therein), but shall, in no event, be understood to be (or to have the authority of) officers of the United States)* [such hearing examiners] or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be [necessary to carry out] *necessary or convenient to assist them in carrying out their respective powers and [duties under this title] duties under any law administered by or under the Office.* The *Bureau of Justice Assistance*, the *National Institute of Justice*, and the *Bureau of Justice Statistics* or upon authorization, any member thereof [or any], *or (subject to such limitations as the appointing authority may, in its sole discretion, impose from time to time) any hearing examiner or administrative law judge assigned to or employed thereby, shall have the power to hold hearings and issue subpoenas, administer oaths, examine witnesses, conduct [examinations and] examinations, and*

receive evidence at any place in the United States they respectively may designate.

* * * * *

PART L—PUBLIC SAFETY OFFICERS’ DEATH BENEFITS

Subpart 1—Death Benefits

PAYMENTS

SEC. 1201. (a) In any case in which the Bureau of Justice Assistance (hereinafter in this part referred to as the “Bureau”) determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, a benefit of \$250,000, adjusted in accordance with subsection (h), and calculated in accordance with subsection (i), shall be payable by the Bureau, as follows (if the payee indicated is living on the date on which the determination is made)—

(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

(4) if there is no surviving spouse of the public safety officer and no surviving child—

(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term “child” under section 1204 but for age.

(b) In accordance with regulations issued pursuant to this part, in any case in which the Bureau determines that a public safety officer has become permanently and totally disabled as the direct and proximate result of a personal injury sustained in the line of duty, a benefit shall be payable to the public safety officer (if living

on the date on which the determination is made) in the same amount that would be payable, as of the date such injury was sustained (including as adjusted in accordance with subsection (h), and calculated in accordance with subsection (i)), if such determination were a determination under subsection (a): *Provided*, That for the purposes of making these benefit payments, there are authorized to be appropriated for each fiscal year such sums as may be necessary.

(c) Whenever the Bureau determines upon a showing of need and prior to taking final action, that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Bureau may make an interim benefit payment not exceeding \$6,000, adjusted in accordance with subsection (h), to the individual entitled to receive a benefit under subsection (a) of this section.

(d) The amount of an interim payment under subsection (c) shall be deducted from the amount of any final benefit paid to such individual.

(e) Where there is no final benefit paid, the recipient of any interim payment under subsection (c) shall be liable for repayment of such amount. The Bureau may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

(f) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, except—

(1) payments authorized by section 12(k) of the Act of September 1, 1916;

(2) benefits authorized by section 8191 of title 5, United States Code, such that beneficiaries shall receive only such benefits under such section 8191 as are in excess of the benefits received under this part; or

(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).

(g) No benefit paid under this part shall be subject to execution or attachment.

(h) On October 1 of each fiscal year beginning after the effective date of this subsection, the Bureau shall adjust the level of the benefit payable immediately before such October 1 under subsections (a) and (b) and the level of the interim benefit payable immediately before such October 1 under subsection (c), to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, occurring in the 1-year period ending on June 1 immediately preceding such October 1.

(i) The amount payable under subsections (a) and (b), with respect to the death or permanent and total disability of a public safety officer, shall be the greater of—

(1) the amount payable under the relevant subsection as of the date of death or of the catastrophic injury of the public safety officer; or

(2) in any case in which the claim filed thereunder has been pending for more than 365 days at the time of final determination by the Bureau, the amount that would be payable under the relevant subsection if the death or the catastrophic injury of the public safety officer had occurred on the date on which the Bureau makes such final determination.

(j)(1) No benefit is payable under this part with respect to the death of a public safety officer if a benefit is paid under this part with respect to the disability of such officer.

(2) No benefit is payable under this part with respect to the disability of a public safety officer if a benefit is payable under this part with respect to the death of such public safety officer.

(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

(1) the public safety officer, while on duty—

(A) engages in a situation involving nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

(2) the heart attack, stroke, or vascular rupture commences—

(A) while the officer is engaged or participating as described in paragraph (1);

(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer, unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.

(l) For purposes of subsection (k), “nonroutine stressful or strenuous physical” excludes actions of a clerical, administrative, or non-manual nature.

(m) The Bureau may suspend or end collection action on an amount disbursed pursuant to a statute enacted retroactively or otherwise disbursed in error under subsection (a), (b), or (c), where such collection would be impractical, or would cause undue hardship to a debtor who acted in good faith.

(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.

(o) *POST-TRAUMATIC STRESS DISORDER AND ACUTE STRESS DISORDER.*—

(1) *DEFINITIONS.*—*In this section:*

(A) *MASS CASUALTY EVENT.*—*The term “mass casualty event” means an incident resulting in casualties to not fewer than 3 victims, including—*

(i) an incident that exceeds the normal resources for emergency response available in the jurisdiction where the incident takes place; and

(ii) an incident that results in a sudden temporal surge of injured individuals necessitating emergency services.

(B) *MASS FATALITY EVENT.*—The term “mass fatality event” means an incident resulting in the fatalities of not fewer than 3 individuals at 1 or more locations close to one another with a common cause.

(C) *MASS SHOOTING.*—The term “mass shooting” means a multiple homicide incident in which not fewer than 3 victims are killed—

(i) with a firearm;

(ii) within 1 event; and

(iii) in 1 or more locations in close proximity.

(D) *EXPOSED.*—The term “exposed” includes—

(i) directly experiencing or witnessing an event; or

(ii) being subjected, in an intense way, to aversive consequences of the event (including a public safety officer collecting human remains).

(E) *TRAUMATIC EVENT.*—The term “traumatic event” means, in the case of a public safety officer exposed to an event, an event that is—

(i) a homicide, suicide, or the violent or gruesome death of another individual (including such a death resulting from a mass casualty event, mass fatality event, or mass shooting);

(ii) a harrowing circumstance posing an extraordinary and significant danger or threat to the life of or of serious bodily harm to any individual (including such a circumstance as a mass casualty event, mass fatality event, or mass shooting); or

(iii) an act of criminal sexual violence committed against any individual.

(2) *PERSONAL INJURY SUSTAINED IN LINE OF DUTY.*—As determined by the Bureau—

(A) post-traumatic stress disorder, acute stress disorder, or trauma and stress related disorders suffered by a public safety officer and diagnosed by a licensed medical or mental health professional, shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer, if the officer was exposed, while on duty, to one or more traumatic events and such exposure was a substantial factor in the disorder;

(B) post-traumatic stress disorder, acute stress disorder, or trauma and stress related disorders, suffered by a public safety officer who has contacted or attempted to contact the employee assistance program of the agency or entity that the officer serves, a licensed medical or mental health professional, suicide prevention services, or another mental health assistance service in order to receive help, treatment, or diagnosis for post-traumatic stress disorder or acute stress disorder, shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in

the line of duty by the officer, if the officer, was exposed, while on duty, to one or more traumatic events and such exposure was a substantial factor in the disorder; and

(C) post-traumatic stress disorder, acute stress disorder, or trauma and stress related disorders, suffered by a public safety officer who was exposed, while on duty, to one or more traumatic events shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer if such exposure was a substantial factor in the disorder.

(3) PRESUMPTION OF DEATH OR TOTAL DISABILITY.—A public safety officer shall be presumed to have died or become permanently and totally disabled (within the meaning of subsection (a) or (b)) as the direct and proximate result of a personal injury sustained in the line of duty, if (as determined by the Bureau) the officer either—

(A) took an action, which action was intended to bring about the officer's death and directly and proximately resulted in such officer's death or permanent and total disability and exposure to one or more traumatic events was a substantial factor in the action taken by the officer; or

(B) took an action within 45 days of the end of exposure to a traumatic event, which action was intended to bring about the officer's death and directly and proximately resulted in such officer's death or permanent and total disability, if such action was not inconsistent with a psychiatric disorder.

(4) APPLICABILITY OF LIMITATIONS ON BENEFITS.—

(A) INTENTIONAL ACTIONS.—Section 1202(a)(1) shall not apply to any claim for a benefit under this part that is payable in accordance with this subsection.

(B) SUBSTANCE USE.—Section 1202(a)(2) shall not preclude the payment of a benefit under this part if the benefit is otherwise payable in accordance with this subsection.

* * * * *

DEFINITIONS

SEC. 1204. As used in this part—

(1) “action outside of jurisdiction” means an action, not in the course of any compensated employment involving either the performance of public safety activity or the provision of security services, by a law enforcement officer, firefighter, or member of a rescue squad or ambulance crew that—

(A) was taken in a jurisdiction where—

(i) the law enforcement officer or firefighter then was not authorized to act, in the ordinary course, in an official capacity; or

(ii) the member of a rescue squad or ambulance crew then was not authorized or licensed to act, in the ordinary course, by law or by the applicable agency or entity;

(B) then would have been within the authority and line of duty of—

(i) a law enforcement officer or a firefighter to take, who was authorized to act, in the ordinary course, in an official capacity, in the jurisdiction where the action was taken; or

(ii) a member of a rescue squad or ambulance crew to take, who was authorized or licensed by law and by a pertinent agency or entity to act, in the ordinary course, in the jurisdiction where the action was taken; and

(C) was, in an emergency situation that presented an imminent and significant danger or threat to human life or of serious bodily harm to any individual, taken—

(i) by a law enforcement officer—

(I) to prevent, halt, or respond to the immediate consequences of a crime (including an incident of juvenile delinquency); or

(II) while engaging in a rescue activity or in the provision of emergency medical services;

(ii) by a firefighter—

(I) while engaging in fire suppression; or

(II) while engaging in a rescue activity or in the provision of emergency medical services; or

(iii) by a member of a rescue squad or ambulance crew, while engaging in a rescue activity or in the provision of emergency medical services;

(2) “candidate officer” means an individual who is enrolled or admitted, as a cadet or trainee, in a formal and officially established program of instruction or of training (such as a police or fire academy) that is specifically intended to result upon completion, in the—

(A) commissioning of such individual as a law enforcement officer;

(B) conferral upon such individual of official authority to engage in fire suppression (as an officer or employee of a public fire department or as an officially recognized or designated member of a legally organized volunteer fire department); or

(C) granting to such individual official authorization or license to engage in a rescue activity, or in the provision of emergency medical services, as a member of a rescue squad, or as a member of an ambulance crew that is (or is a part of) the agency or entity that is sponsoring the individual’s enrollment or admission;

(3) “blind” means an individual who has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens or whose eye is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

(4) “catastrophic injury” means an injury, the direct and proximate result of which is to permanently render an individual functionally incapable (including through a directly and proximately resulting neurocognitive disorder), based on the state of medicine on the date on which the claim is determined by the Bureau, of performing work, including sedentary work:

Provided, That, if it appears that a claimant may be functionally capable of performing work—

(A) the Bureau shall disregard work where any compensation provided is de minimis, nominal, honorary, or mere reimbursement of incidental expenses, such as—

(i) work that involves ordinary or simple tasks, that because of the claimed disability, the claimant cannot perform without significantly more supervision, accommodation, or assistance than is typically provided to an individual without the claimed disability doing similar work;

(ii) work that involves minimal duties that make few or no demands on the claimant and are of little or no economic value to the employer; or

(iii) work that is performed primarily for therapeutic purposes and aids the claimant in the physical or mental recovery from the claimed disability; and

(B) the claimant shall be presumed, absent clear and convincing medical evidence to the contrary as determined by the Bureau, to be functionally incapable of performing such work if the direct and proximate result of the injury renders the claimant—

(i) blind;

(ii) parapalegic; or

(iii) quadriplegic;

(5) “chaplain” includes any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency;

(6) “child” means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased or permanently and totally disabled public safety officer who, at the time of the public safety officer’s death or fatal injury (in connection with any claim predicated upon such death or injury) or the date of the public safety officer’s catastrophic injury or of the final determination by the Bureau of any claim predicated upon such catastrophic injury, is—

(A) 18 years of age or under;

(B) over 18 years of age and a student as defined in section 8101 of title 5, United States Code; or

(C) over 18 years of age and incapable of self-support because of physical or mental disability;

(7) “firefighter” includes an individual serving as an officially recognized or designated member of a legally organized volunteer fire department, including an individual who, as such a member, engages in scene security or traffic management as the primary or only duty of the individual during emergency response;

(8) “intoxication” means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidence by—

(A) a post-injury blood alcohol level of .20 per centum or greater; or

(B) a post-injury blood alcohol level of at least .10 per centum but less than .20 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his fatal or catastrophic injury;
or resulting from drugs or other substances in the body;

(9) “law enforcement officer” means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency), including, but not limited to, police, corrections, probation, parole, and judicial officers;

(10) “member of a rescue squad or ambulance crew” means an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

(A) is a public agency; or

(B) is (or is a part of) a nonprofit entity serving the public that—

(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;

(11) “neurocognitive disorder” means a disorder that is characterized by a clinically significant decline in cognitive functioning and may include symptoms and signs such as disturbances in memory, executive functioning (that is, higher-level cognitive processes, such as, regulating attention, planning, inhibiting responses, decision-making), visual-spatial functioning, language, speech, perception, insight, judgment, or an insensitivity to social standards[; and];

(12) “sedentary work” means work that—

(A) involves lifting articles weighing no more than 10 pounds at a time or occasionally lifting or carrying articles such as docket files, ledgers, or small tools; and

(B) despite involving sitting on a regular basis, may require walking or standing on an occasional [basis.] *basis*;

(13) “public agency” means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, agency, or instrumentality of any of the foregoing, and includes (as may be prescribed by regulation hereunder) a legally organized volunteer fire department that is a nonprofit entity and provides services without regard to any particular relationship (such as a subscription) a member of the public may have with such a department; and

(14) “public safety officer” means—

(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a chaplain: Provided, That (notwithstanding section 1205(b)(2) or (3)) the Bu-

reau shall, absent clear and convincing evidence to the contrary as determined by the Bureau, deem the actions outside of jurisdiction taken by any such law enforcement officer or firefighter, to have been taken while serving such public agency in such capacity, in any case in which the principal legal officer of such public agency, and the head of such agency, together, certify that such actions—

(i) were not unreasonable;

(ii) would have been within the authority and line of duty of such law enforcement officer or such firefighter to take, had they been taken in a jurisdiction where such law enforcement officer or firefighter was authorized to act, in the ordinary course, in an official capacity; and

(iii) would have resulted in the payment of full line-of-duty death or disability benefits (as applicable), if any such benefits typically were payable by (or with respect to or on behalf of) such public agency, as of the date the actions were taken;

(B) a candidate officer who is engaging in an activity or exercise that itself is a formal or required part of the program in which the candidate officer is enrolled or admitted, as provided in this section;

(C) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties;

(D) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the head of the agency to be hazardous duties;

(E) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services: Provided, That (notwithstanding section 1205(b)(2) or (3)) the Bureau shall, absent clear and convincing evidence to the contrary as determined by the Bureau, deem the actions outside of jurisdiction taken by any such member to have been thus authorized or licensed, in any case in which the principal

legal officer of such agency or entity, and the head of such agency or entity, together, certify that such actions—

(i) were not unreasonable;

(ii) would have been within the authority and line of duty of such member to take, had they been taken in a jurisdiction where such member was authorized or licensed by law and by a pertinent agency or entity to act, in the ordinary course; and

(iii) would have resulted in the payment of full line-of-duty death or disability benefits (as applicable), if any such benefits typically were payable by (or with respect to or on behalf of) such applicable agency or entity, as of the date the action was taken;

(F) an individual appointed to the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11) who is performing official duties of the Department of Health and Human Services, if those official duties are—

(i) related to responding to a public health emergency or potential public health emergency, or other activities for which the Secretary of Health and Human Services has activated such National Disaster Medical System; and

(ii) determined by the Secretary of Health and Human Services to be hazardous; or

[(F)] (G) an employee or contractor of the Department of Energy who—

(i) is—

(I) a nuclear materials courier (as defined in section 8331(27) of title 5, United States Code); or

(II) designated by the Secretary of Energy as a member of an emergency response team; and

(ii) is performing official duties of the Department, pursuant to a deployment order issued by the Secretary, to protect the public, property, or the interests of the United States by—

(I) assessing, locating, identifying, securing, rendering safe, or disposing of weapons of mass destruction (as defined in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302)); or

(II) managing the immediate consequences of a radiological release or exposure.

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